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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/707,818	
	Filing Date	January 14, 2004	
	First Named Inventor	Stern et al	
	Art Unit	3762	
	Examiner Name	Mark Bockelman	
Total Number of Pages in This Submission	4	Attorney Docket Number	2003.15

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Northstar Neuroscience, Inc.		
Signature			
Printed name	Sonya C. Harris		
Date	August 26, 2005	Reg. No.	47,263

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Appl. No. 10/707,818
File date 1/14/2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/707,818 Confirmation No.: 1817
Applicant : Stern et al
Filed : January 14, 2004
TC/A.U. : 3762
Examiner : Mark Bockelman
Docket No. : 2003.15
Cust. No. : 000037905

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION RESPONSE

Sir:

This Election is in response to the election requirement of the Official
Action dated July 27, 2005.

The Examiner indicated that the application contains claims directed toward the
following patentably distinct species:

Species I - figures 3a-3c
Species II - figure 3d
Species III - figure 3e
Species IV - figure 3f
Species V - figure 7a
Species VI - figure 7b
Species VII - figure 8
Species VIII - figure 9

Species IX - figure 10
Species X - figure 11A

The Examiner has indicated claims 1 and 13 as generic.

Furthermore, the Examiner has withdrawn claims 21-27 from consideration as being directed toward a non-elected invention. The Examiner stated that claims 21-27, directed toward a method for implanting separable electrodes in the body have been constructively elected by original presentation for prosecution on the merits.

Applicants elect the embodiment of Species I – figures 3a-3c, with traverse, for prosecution on the merits. The Applicants assert that claims 1, 4-13, 15, 17 and 18 read on the elected Species I.

Applicants traverse that the indicated embodiments of Species V, VI and VII are obvious variants of one another.

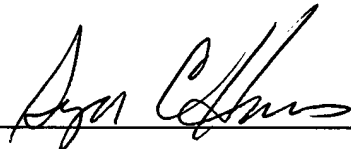
Applicants further traverse the withdrawal of claims 21-26, under 37 CFR 1.142(b) and MPEP § 821.03, as being directed to a non-elected invention and thereby constructively elected by the Examiner. Claims 21-26 are directed toward a method for implanting a neural electrode assembly within a patient.

These claims should also be prosecuted on the merits along with the elected claims 1,4-13, 15, 17 and 18 of Species I in that they are directed toward a generic method of using the articulated electrode assembly and are not directed toward a patentably distinct invention.

In conclusion, Applicants assert that the following claims read on the elected Species I: 1,4-13,15,17,18 and 21-26.

Applicant respectfully requests that an appropriate Official Action be rendered in view of the above.

Respectfully submitted,

By _____

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